REMARKS

The amendment after final placing application in the condition for allowance is submitted in response to the the final Office Action of July 26, 2005 and to a subsequent telephone interview with the Examiner on October 6, 2005.

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During the telephone interview, the arguments were presented that Enzner et al. does not describe the joint controller explicitly in the article referenced above as required by the MPEP 2131 stating that: " *Further, "the identical invention must be shown in as complete detail as is contained in the . . . claim", Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)*", but the Examiner stated repeatedly that since a partially common algorithm is used in providing first and second control signals, then this operation can be performed by the same control block as recited in claim 1 but not explicitly described by Enzner et al. Thus the Examiner was firm in his 102(b) rejection by applying the Enzner et al. reference (European Trans. On Telecommunications, vol. 13, no. 2, pages 103-114, March-April 2002) 2005.

Furthermore, during the telephone interview the arguments were presented regarding the finality of the Office Action of July 26, 2005. The Applicant believes that the Examiner made the Office Action of July 26, 2005 final in violation of USPTO rules.

MPEP 706.07(a) states (see second paragraph from the top of the first column in Page 700-73): "Under present practice, second or any subsequent action on the merits shall be final, **except** where the Examiner introduces a new ground of rejection that is **neither necessitated by applicant's amendment of the claims** nor based on information submitted in the period set forth in 37 CFR

1.17(p)".. The new grounds for rejection introduced by the Examiner in the Final Office Action of July 26, 2004 has **nothing to do** with the amendments introduced by the Applicant on February 7, 2005. Therefore, the final rejection of July 26, 2005 is in direct violation of the USPTO rules quoted above.

During the telephone interview the Applicant requested the withdrawal of the finality of the second Office Action on the merits of July 26, 2005, but the Examiner was firm in his decision to keep the finality of the office action of July 26, 2005.

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Claims 1-9, 11, 13, 14 and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Enzner et al. (European Trans. On Telecommunications, vol. 13, no. 2, pages 103-114, March-April 2002). The Applicant believes that the Examiner's arguments are not accurate and need further clarification.

The Examiner's arguments are analyzed based on MPEP guidelines quoted below:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Further, "the identical invention must be shown in as complete detail as is contained in the . . . claim", *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), MPEP 2131."

Regarding independent claims 1 and 17, Enzner et al. do not describe (directly or inherently) the statistical adaptive-filter controller **40** of the present invention which provides the joint control of the echo canceller module **21** and the postfilter **14** of the present invention by providing the first and the second

control signals, as required by the MPEP Section **2131** ("the identical invention must be shown in as complete detail as is contained in the .. claim"). The Examiner admitted that the controlling block (which is equivalent to the statistical adaptive-filter controller **40** of the present invention as alleged by the Examiner) is not shown in Figure 2 or any other Figures of Enzner et al. Also this block is not mentioned, hinted or inheritely described by Enzner et al. as alleged by the Examiner.

In spite of a strong disagreement of the Applicant with the Examiner's arguments, the Applicant agrees to amend the claims of the present invention to address the Examiner's objections in order to bring independent claims 1 and 17 to allowance and complete the prosecution of the case. Specifically, the following claim amendements are performed:

a) limitations of allowed claim 15 are incorporated in independent claim 1 as well as in independent claim 17;

b) limitations of allowed claim 16 are incorporated in claim 1 which results in a new independent claim 23 (claim 23 is fully supported by the specification, e.g., see page 8, lines 6-9).

Regarding dependent claims 2-9, 11, 13-14 and 18-22, these are dependent claims of the novel independent amended claims 1 and 17, respectively, which are not anticipated by Enzner et al. under 35 USC 102(b), as shown above, and further obviated by the amendment. Since each of these dependent claims narrows the scope of the novel and non-obvious independent claim 1 or 17, and since the novelty and non-obviousness of claims 1 and 17 compel novelty and non-obviousness of dependent claims 2-9, 11, 13-14 and 18-22, claims 2-9, 11, 13-14 and 18-22 are not anticipated by Enzner et al. under 35 USC 102(b) as well. Additional considerations regarding novelty of the dependent claims 2-9, 11,

13-14 and 18-22 can be further provided if necessary considering additional limitations introduced in the dependent 2-9, 11, 13-14 and 18-22.

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Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Capman et al. (US patent 6,108,413). The Applicant believes that the Examiner's arguments are not accurate and need further clarification.

The Examiner's arguments are analyzed based on MPEP guidelines quoted below:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Further, "the identical invention must be shown in as complete detail as is contained in the . . . claim", *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), MPEP 2131."

Regarding independent claim 1, Capman et al. do not describe (directly or inherently) input signals: the voice signal **20** and the echo reduced microphone signal **34** of the statistical adaptive-filter controller **40** recited in claim 1 of the present invention (also see figure 2 and 3 of the patent application). The input signals to the coherence calculation block **32**, which corresponds to the block **40** of the present invention, as alleged by the Examiner, in Figure 6 of Capman et al. are z(n) and y(n) which are different from signals **20** and **40** recited in claim 1 of the present invention.

Moreover, the Examiner further alleges that the block **40** of the present invention corresponds to two blocks **32** and **33** of Capman et al. This Examiner's assumption is questionable in the

frame of the MPEP Section 2131, quoted above. But anyway, none of the blocks **32** or **33** of Capman et al. has an input corresponding to the signal voice signal **20** recited in claim 1 of the present invention. Thus claim 1 is not anticipated by Capman et al.

Regarding dependent claim 12, it is a dependent claim of the novel independent amended claim 1, which is not anticipated by Capman et al. under 35 USC 102(b), as shown above. Since dependent claim 12 narrows the scope of the novel and non-obvious independent claim 1, and since the novelty and non-obviousness of claim 1 compel novelty and non-obviousness of dependent claim 12, claim 12 is not anticipated by Capman et al. under 35 USC 102(b) as well.

The above arguments obviate the Examiner's 102(b) rejection of claims 1 and 12.

Claim 12 is re-drafted to become an independent claim in the Amendment submitted herein.

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The objections and rejections of the Official Action of July 26, 2005, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested, and passage of the claims to issue is earnestly solicited.

Respectfully submitted,

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